

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
March 9, 2010

3:30 P.M. SCHEDULED SESSION

3:35 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Harold Collins. Kemp Conrad and Shea Flinn were absent.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor John Glaze from New Sardis Baptist Church. Councilman Lowery presented Pastor Glaze with a certificate naming him Chaplain of day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of February 23, 2010 with the following motion:

MOTION: Ford
SECOND: Boyd
AYES: Boyd, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman Collins
Brown and Morrison did not cast a vote
Conrad and Flinn were absent

APPROVED

2. **RESOLUTION HONORING STAN BELL FOR HIS GOOD WORKS AND POSITIVE IMPACT IN THE COMMUNITY.**

Held until March 23, 2010

29. **RESOLUTION APPROVING A HOTEL WAIVER FOR SUN INN LOCATED AT 1543 ELVIS PRESLEY BOULEVARD.**

Case No. HMW 10-01

Held until March 23, 2010

1. **RESOLUTION RECOGNIZING MR. FRED JONES AS RECIPIENT OF THE 2010 ARTHUR S. HOLMON LIFETIME ACHIEVEMENT AWARD WHICH WAS PRESENTED BY THE UNIVERSITY OF MEMPHIS BLACK STUDENT ASSOCIATION.**

APPROVED, unanimous voice vote

3. **RESOLUTION THANKING SANDY RUTHERFORD FOR HER SERVICE TO THE MEMPHIS CITY COUNCIL.**

APPROVED, unanimous voice vote

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHEAST SIDE OF CHANNEL AVENUE, +/-960.12 FEET SOUTH OF JACK CARLEY CAUSEWAY, CONTAINING 4.0 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT.**

Case No. SUP 10-201

Applicant: Progress Rail Services
Todd Jones – Representative

Request: Scrap Metal Processing Yard

LUCB and OPD recommendation: APPROVAL

MOTION: Ford

SECOND: Morrison

AYES: Boyd, Brown, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and
Chairman Collins
Hedgepeth did not cast a vote
Conrad and Flinn were absent

APPROVED

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF KNIGHT ARNOLD ROAD; ±150 FEET EAST OF MENDENHALL, CONTAINING 0.95 ACRE IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**

Case No. SUP 10-203

Applicant: Tower Ventures V, LLC & TV6-W, LLC
Billy Orgel – Representative

Request: Cell tower, 120 ft. monopole, standard design

LUCB recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND: Boyd

AYES: Boyd, Brown, Ford, Halbert, Lowery, Morrison, Strickland, Ware and Chairman Collins

Fullilove and Hedgepeth did not cast a vote

Conrad and Flinn were absent

APPROVED

6. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF RAMILL ROAD AT TWIN LAKES DRIVE, CONTAINING 1.30 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) DISTRICT.**

Case No. SUP 10-205

Applicant: H & M Carter, Inc.
Doveland Engineering Company

Request: Special use permit to allow a day care center

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND: Boyd

AYES: Boyd, Brown, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

Conrad and Flinn were absent

APPROVED, as amended

7. **RESOLUTION ADOPTING THE SOUTH MEMPHIS REVITALIZATION ACTION PLAN.**

MOTION: Ford

SECOND: Fullilove

AYES: Boyd, Brown, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins
Conrad and Flinn were absent

APPROVED

CONSENT AGENDA – Items 8 - 16 may be acted upon by one motion: SEE PAGE 1418 FOR ROLL CALL

Chairman Collins recognized the following person who spoke from the audience:

Charles Farmer, 4611 Buffer, Memphis, TN. 38128

8. **ORDINANCE AMENDING CITY OF MEMPHIS CODE OF ORDINANCES, SECTION 20-28, RELATIVE TO PANHANDLING, UP FOR F I R S T READING.**

Ordinance No. 5348

APPROVED, on First reading

9. **ORDINANCE TO CREATE THE CITY OF MEMPHIS ALCOHOL IMPACT AREA, UP FOR F I R S T READING.**

Ordinance No. 5349

APPROVED, on First reading

10. **ORDINANCE AMENDING CHAPTER 2 CODE OF ORDINANCES, CITY OF MEMPHIS, TO AMEND CERTAIN SECTIONS OF 2-291 RELATING TO REAL PROPERTY, UP FOR S E C O N D READING.**

Ordinance No. 5346

APPROVED, on Second reading

11. **REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL THE PROCEDURE STAGGERED TERMS AND TO PROVIDE FOR THE ELECTION OF THE MEMPHIS CITY COUNCIL, OFFICE OF THE MAYOR AND CITY COURT CLERK, TO FOUR-YEAR TERMS, UP FOR S E C O N D READING.**

Ordinance No. 5347

APPROVED, on Second reading

12. **ORDINANCE REZONING THE NORTHWEST SIDE OF S. THIRD STREET; +/-191.93 FEET NORTHEAST OF W. HOLMES ROAD, CONTAINING 1.21 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) AND HIGHWAY COMMERCIAL (C-H) DISTRICTS, UP FOR F I R S T READING.**

Ordinance No. 5350
Case No. Z 10-101

APPROVED, on First reading

13. **RESOLUTION APPROVING FINAL PLAT OF WHITTEN I-40 P.D., PHASE 20.**

Case No. PD 05-320
Contract No. CR-5154

Resolution approves the final plat located on the north side of Century Center Parkway, west of Whitten Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

14. **RESOLUTION APPROVING FINAL PLAT OF WHITTEN I-40 P.D., PHASE 21.**

Case No. PD 05-320

Resolution approves the final plat located on the north side of Century Center Parkway, west of Whitten Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

15. **RESOLUTION ACCEPTING STONEBRIAR P.D., PHASE 4, AREA 6 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 03-335cc
(Contract No. CR-4865)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Shades Valley Place, south of East Holmes Road. The standard improvement contract was approved on July 4, 2004. Resolution also authorizes the release of the cashier's check in the amount of \$51,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

16. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. PD 10-301 – Memphis Depot Business Park P.D., Amended

Public Hearing Set for March 23, 2010

ROLL CALL CONSENT ITEMS

MOTION: Ford
 SECOND: Ware
 AYES: Boyd, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland, Ware
 and Chairman Collins
 NAYS: Brown and Halbert
 Conrad and Flinn were absent

APPROVED

MLGW FISCAL CONSENT – Items 17 - 24 may be acted upon by one motion:

Chairman Collins recognized the following person who spoke from the audience:
 Charles Farmer, 4611 Buffer Drive, Memphis, TN. 38128

17. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11072, MLGW EMPLOYEE ASSISTANCE PROGRAM, WITH METHODIST HEALTHCARE, INC. IN THE FUNDED AMOUNT OF \$28,500.00. (THIS EXTENDS THE CURRENT CONTRACT FOR A ONE-YEAR TERM, APRIL 1, 2010 TO MARCH 31, 2011).**

APPROVED

18. **RESOLUTION APPROVING EXERCISE OF OPTION TO EXTEND CONTRACT FOR THE THIRD AND FINAL 12-MONTH RENEWAL COVERING THE PERIOD MARCH 24, 2010 TO MARCH 23, 2011, FOR VARIOUS SIZES OF ROTARY AND DIAPHRAGM GAS METERS, WITH THE FOLLOWING:**

| | |
|------------------------------------|-----------------------|
| Elster American Meter Company..... | \$1,147,810.00 |
| Romet International LTD..... | <u>332,918.00</u> |
| Total..... | <u>\$1,480,728.00</u> |

APPROVED

19. **RESOLUTION AWARDING CONTRACT TO VENTURE TECHNOLOGIES FOR THE DEPLOYMENT OF PROJECT FOR A WIRELESS NETWORK (PHASE I) IN THE AMOUNT OF \$49,930.54.**

APPROVED

20. **RESOLUTION APPROVING CONTRACT BETWEEN MLGW AND GDS ASSOCIATES, INC. FOR PROFESSIONAL CONSULTING SERVICES TO ASSIST MLGW WITH PREPARATION FOR NERC REGISTRATION, PROCESS AND PROCEDURE IMPLEMENTATION, TECHNICAL STUDIES AND EVALUATIONS, AND READINESS ASSESSMENT, IN AN AMOUNT NOT TO EXCEED \$120,000.00.**

APPROVED

21. **RESOLUTION APPROVING AND RATIFYING AN AGREEMENT AND AMENDMENTS BETWEEN MLGW (ACTING FOR ITSELF AND ON BEHALF OF THE CITY OF MEMPHIS) AND TVA PROVIDING ARRANGEMENTS PURSUANT TO WHICH TVA AGREES TO SERVE AS THE RESPONSIBLE PARTY TO THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION (NERC) AND THE SERC RELIABILITY CORPORATION (SERC) FOR MLGW'S COMPLIANCE WITH THE NERC FUNCTIONAL MODEL RELIABILITY STANDARDS APPLICABLE TO MLGW FOR THE PERIOD BEGINNING SEPTEMBER 28, 2009 AND ENDING APRIL 30, 2010. TVA SHALL BE PAID AN ADMINISTRATIVE FEE OF \$10,000.00 PER MONTH FOR THE SERVICES PROVIDED FOR IN THE CONTRACT.**

APPROVED

22. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11332, SHORT & LONG TERM DISABILITY, WITH UNUM GROUP IN THE FUNDED AMOUNT OF \$5,048,635.00. (THIS CHANGE RENEWS THE CURRENT CONTRACT FOR TWO ADDITIONAL TERMS, APRIL 1, 2010 TO MARCH 31, 2012).**

APPROVED

23. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11333, GROUP TERM, VOLUNTARY LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT, WITH UNUM GROUP IN THE FUNDED AMOUNT OF \$11,937,456.00. (THIS CHANGE RENEWS THE CURRENT CONTRACT FOR THREE ADDITIONAL TERMS, APRIL 1, 2010 TO MARCH 31, 2013).**

APPROVED

24. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 11028, SECURITY SERVICES, WITH CDA, INC. IN THE FUNDED AMOUNT OF \$630,409.78. (THIS CHANGE EXTENDS THE CONTRACT FOR A 90-DAY PERIOD, APRIL 1, 2010 TO JUNE 30, 2010, WITH NO INCREASE IN RATES AND IS CONTINGENT UPON CDA'S**

ACCEPTANCE OF THE TERMS AND CONDITIONS UNDER THE CURRENT CONTRACT).

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Fullilove
 SECOND: Ware
 AYES: Boyd, Ford, Fullilove, Halbert, Lowery, Strickland, Ware and Chairman Collins
 Brown, Hedgepeth, Morrison did not cast a vote
 Conrad and Flinn were absent

APPROVED

25. **REFERENDUM ORDINANCE AMENDING ARTICLE 27, SECTION 190 OF THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS, TO LIVE WITHIN SHELBY COUNTY, TENNESSEE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5345

MOTION: Strickland
 SECOND: Boyd
 AYES: Boyd, Hedgepeth, Lowery and Morrison
 NAYS: Brown, Ford, Fullilove, Halbert, Strickland, Ware and Chairman Collins
 Conrad and Flinn were absent

FAILED

26. **RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED SEVENTY-FIVE MILLION DOLLARS (\$75,000,000.00) PRINCIPAL AMOUNT OF CITY OF MEMPHIS, TENNESSEE BOND ANTICIPATION NOTES FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BOND ANTICIPATION NOTES OF THE CITY.**

Chairman Collins recognized the following person who spoke from the audience:

Charles Farmer, 4611 Buffer Drive, Memphis, TN. 38128

MOTION: Morrison
 SECOND: Ford
 AYES: Boyd, Brown, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins
 Conrad and Flinn were absent

APPROVED

27. **RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED EIGHTY-FIVE MILLION DOLLARS (\$85,000,000.00) PRINCIPAL AMOUNT OF CITY OF MEMPHIS, TENNESSEE GENERAL IMPROVEMENT BONDS FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BOND ANTICIPATION NOTES OF THE CITY.**

Chairman Collins recognized the following person who spoke from the audience:

Charles Farmer, 4611 Buffer Drive, Memphis, TN. 38128

MOTION: Morrison
SECOND: Fullilove
AYES: Boyd, Brown, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins
Conrad and Flinn were absent

APPROVED

28. **RESOLUTION SUPPORTING HB 2635 AND ENCOURAGES ITS PASSAGE BY THE STATE LEGISLATURE.**

Chairman Collins recognized the following person who spoke from the audience:

Charles Farmer, 4611 Buffer Drive, Memphis, TN. 38128

MOTION: Strickland
SECOND: Boyd
AYES: Boyd, Brown, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins
Halbert did not cast a vote
Conrad and Flinn were absent

APPROVED

30. **RESOLUTION SUPPORTING HB 3593 AND SB 3388 CREATING A PILOT PROJECT IN SHELBY COUNTY FOR A VOLUNTARY FORECLOSURE MEDIATION PROGRAM.**

MOTION: Strickland
SECOND: Fullilove
AYES: Boyd, Brown, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins
Halbert did not cast a vote
Conrad and Flinn were absent

APPROVED

31. **RESOLUTION SUPPORTING A PAYROLL DEDUCTION OPTION FOR CITY EMPLOYEES TO DONATE TO THE MED.**

MOTION: Strickland
SECOND: Boyd
AYES: Boyd, Brown, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland,
Ware and Chairman Collins
Halbert did not cast a vote
Conrad and Flinn were absent

APPROVED

32. **RESOLUTION TO RECEIVE AND APPROPRIATE \$42,000.00 FROM THE UNITED WAY THROUGH THE FOUNDATION FOR THE LIBRARY TO FUND A DATABASE MANAGER POSITION FOR THE LINC 2-1-1 SERVICE OF THE MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER.**

MOTION: Ware
SECOND: Fullilove
AYES: Boyd, Brown, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland,
Ware and Chairman Collins
Conrad and Flinn were absent

APPROVED

33. **RESOLUTION TO RECEIVE AND APPROPRIATE \$17,940.00 FROM THE FRIENDS OF THE MEMPHIS PUBLIC LIBRARY TO FUND TEMPORARY SALARIES IN THE FRIENDS SECOND EDITIONS BOOK STORE IN THE CENTRAL LIBRARY OF THE MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER.**

MOTION: Ware
SECOND: Ford
AYES: Boyd, Brown, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland,
Ware and Chairman Collins
Conrad and Flinn were absent

APPROVED

(Councilman Hedgepeth made a motion to add this Resolution to the Agenda)

34. **RESOLUTION SPARING THE FAIRGROUNDS ARENA BUILDING FROM BEING DEMOLISHED.**

MOTION: Hedgepeth
SECOND: Ford
AYES: Boyd, Brown, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware

and Chairman Collins
Lowery did not cast a vote
Conrad and Flinn were absent

APPROVED

(Councilman Morrison made a motion to suspend the rules for consideration of adding a Resolution to the Agenda)

(Special Item#1 -Suspension of the Rules)

MOTION: Morrison
SECOND: Strickland
AYES: Brown, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins
NAY: Boyd
Conrad and Flinn were absent

APPROVED, item#35 was added to the Agenda

35. **RESOLUTION REQUESTING THE ADMINISTRATION AND THE PUBLIC SERVICES & NEIGHBORHOOD DIRECTOR TO NOT CONSIDER ANY COSTS ASSOCIATED WITH THE VEHICLE SAFETY EQUIPMENT EXAMINATION IN THE FY 2011 & O&M BUDGET PROPOSAL.**

MOTION: Morrison
SECOND: Strickland

(Councilwoman Ware made a motion to Send this item Back to Committee for Full Discussion, on March 23, 2010, without objection)

(Item #35- Sent Back to Committee on 03/23/2010)

(Councilwoman Fullilove made a motion to approve Same Night Minutes on items #20, #31, #32, #33 & #34 from tonight's meeting)

(Special Item #2 –Same Night Minutes)

MOTION: Fullilove
SECOND: Strickland
AYES: Boyd, Ford, Fullilove, Halbert, Lowery, Strickland, Ware and Chairman Collins
Brown, Hedgepeth and Morrison did not cast a vote
Conrad and Flinn were absent

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Collins recognized the following people who spoke from the audience:

Charles Farmer, 4611 Buffer Dr., Memphis, TN. 38128

David Moore, 3412 Park, Memphis, TN. 38111

Walter Broady, III, 4256 Ledbetter Cove, Memphis, TN. 38109

ADJOURNED MEETING AT 5:40 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records